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JENKINS, WILSON, TAYLOR & HUNT, P. A. 3100 TOWER BLVD SUITE 1200 DURHAM, NC 27707				NGUYEN, TOAN D
ART UNIT		PAPER NUMBER		
		2616		

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/627,253	MASON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Toan D. Nguyen	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 June 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10,22-50,61-66 and 69-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7,9,10,22-25,27-33,35-40,42-48,61-66 and 69-76 is/are rejected.
- 7) Claim(s) 8,26,34,41,49 and 50 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 August 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4/25/05</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

1. In view of the Appeal Brief filed on 06/02/06, PROSECUTION IS HEREBY REOPENED. A non-final office action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

2. The indicated allowability of claims 35-41, and 73-74 are withdrawn in view of the newly discovered reference(s) to Aravamudan et al. (US 6,301,609) and Yu et al. (US 7,058,036). Rejections based on the newly cited reference(s) follow.

***Claim Objections***

3. Claims 1, 5-6, 8, 22, 29-30, 33, 35, and 46-49 are objected to because of the following informalities:

In claim 1 line 5, it is suggested to change "a target end user" to --- the target end user ---. Similar problems exist in claim 5 line 6, and claim 22 line 4.

In claim 1 line 6, it is suggested to change “a presence database” to --- the presence database ---. Similar problems exist in claim 1 line 13, and claim 5 line 13.

In claim 1 line 9, it is suggested to change “that presence registration processing” to --- that the presence registration processing ---. Similar problem exists in claim 22 line 9.

In claim 5 line 8, it is suggested to change “the status” to --- a status ---.

In claim 6 line 1-2, it is suggested to change “wherein automatically generating a presence registration message” to --- wherein the automatically generating the presence registration message ---. Similar problem exists in claim 8 lines 1-2.

In claim 22 line 5, it is suggested to change “a presence database” to --- the presence server database ---. Similar problems exist in claim 29 line 8, claim 30 line 2, and claim 33 line 3.

In claim 23 line 4, it is suggested to change “a presence server” to --- the presence server ---. Similar problem exists in claim 38 line 1.

In claim 35 line 20, it is suggested to change “using text messaging protocol” to -- - using the text messaging protocol ---.

In claim 46 line 3, it is suggested to change “the status” to --- the presence status ---.

In claim 47 line 3, it is suggested to change “an IP message” to --- the IP message ---. Similar problems exist in claim 48 line 1, and claim 49 line 1. Appropriate correction is required.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 29, 42, 47-48, and 76 are rejected under 35 U.S.C. 102(e) as being anticipated by Aravamudan et al. (US 6,301,609).

For claim 29, Aravamudan et al. disclose assignable associate priorities for user-definable instant messaging buddy groups, comprising:

(a) a communication module (figure 3, reference 180) for receiving an SS7 message from an SS7 network )(col. 3 line 64 to col. 4 line 12); and

(b) a presence server message generator (figure 1, reference 130) for generating, based on the SS7 message, a presence-server-comparable message for updating presence information regarding the target end user (figure 5, reference step 230, col. 7 lines 1-3), in a presence server database (figure 1, references 168 and 170, col. 6 lines 14-31), the presence information including a presence status for the target end user, wherein the presence server message generator is adapted to forward the presence-server-compatible message to the presence server database (figure 5, reference steps 234, 236, and 238, col. 7 lines 5-20).

For claim 42, Aravamudan et al. disclose assignable associate priorities for user-definable instant messaging buddy groups, comprising:

(a) receiving a signaling system seven (SS7) message (figure 3, reference 180) in response to a telephony related action performed by a target end user (figure 1, reference 140, col. 3 lines 31-37)(col. 3 line 64 to col. 4 line 12);

(c) in response to receiving the SS7 message, formulating an internet protocol (IP) message (figure 3, col. 4 lines 6-16) for updating presence information regarding the target end user managed by a presence server (figure 1, reference 130), the presence information including information usable by the presence server for automatically indicating to end users subscribed to the target end user in a presence server database (figure 1, references 168 and 170, col. 6 lines 14-31) a presence status for the target end user (figure 5, reference steps 234, 236, and 238, col. 7 lines 5-20); and

(d) transmitting the IP message to the presence server (figure 1, reference 130) over an IP network (figure 1, reference 120, col. 3 lines 49-50)(col. 7 lines 5-20).

For claim 47, Aravamudan et al. disclose wherein formulating an IP message includes formulating a presence protocol message (figure 5, reference steps 234, col. 7 lines 5-9).

For claim 48, Aravamudan et al. disclose wherein formulating an IP message includes formulating a session initiation protocol (S1P) message (col. 4 lines 6-14).

For claim 76, Aravamudan et al. disclose wherein the presence information includes information usable by the users subscribed to the target end user for contacting the target end user via an instant message protocol (col. 7 lines 5-20).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1, 6-7, 22, 24-25, 30-33, 61-66, 69-72, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al. (US 6,301,609) in view of Krishnamurthy et al. (US 6,760,343).

For claims 1 and 65, Aravamudan et al. disclose assignable associate priorities for user-definable instant messaging buddy groups, comprising:

(a) receiving a signaling system seven (SS7) message (figure 3, reference 180) in response to a telephony related action performed by a target end user (figure 1, reference 140, col. 3 lines 31-37) to which other end users are subscribed in a presence database (figure 1, references 168 and 170, col. 6 lines 14-31)(col. 3 line 64 to col. 4 line 12);

(c) in response to determining that presence registration processing is required for the target end user (figure 5, reference step 230, col. 7 lines 1-3), automatically generating a presence registration message including presence information usable by a presence server (figure 1, reference 130) for automatically indicating to the end users in a presence database (figure 1, references 168 and 170) a presence status for the target end user (figure 5, reference steps 234, 236, and 238, col. 7 lines 5-20); and

(d) transmitting the presence registration message to the presence server (figure 1, reference 130) over an IP network (figure 1, reference 120, col. 3 lines 49-50)(col. 7 lines 5-20).

However, Aravamudan et al. do not expressly disclose:

(b) determining, based on the SS7 message, whether presence registration processing is required for the target end user.

In an analogous art, Krihnamurthy et al. disclose:

(b) determining, based on the SS7 message, whether presence registration processing is required for the target end user (col. 10 lines 11-13).

Krihnamurthy et al. disclose wherein steps (a)-(e) are performed at an SS7 signal transfer point capable of transferring SS7 Signaling messages between SS7 signaling links (figure 2, references 212-218, col. 5 lines 40-43 as set forth in claim 65).

One skilled in the art would have recognized the determining, based on the SS7 message, whether presence registration processing is required for the target end user, and would have applied Krihnamurthy et al.'s gateway in Aravamudan et al.'s user's

initial network use to the Communication Services Platform (CSP). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Krihnamurthy et al.'s method and apparatus for providing a virtual SS7 link in a communication system in Aravamudan et al.'s assignable associate priorities for user-definable instant messaging buddy groups with the motivation being required for all TCP connections as well as clients or SS7 nodes registered to the gateway (col. 10 lines 11-13).

For claim 6, Aravamudan et al. disclose wherein automatically generating a presence registration message includes automatically generating a presence protocol message (figure 5, reference steps 234, col. 7 lines 5-9).

For claim 7, Aravamudan et al. disclose wherein automatically generating a presence registration message includes automatically generating a session initiation protocol (SIP) message (col. 4 lines 6-14).

For claim 22, 69, 71, and 75, Aravamudan et al. disclose assignable associate priorities for user-definable instant messaging buddy groups, comprising:

(a) a communication module for receiving an SS7 message (figure 3, reference 180) relating to a target end user (figure 1, reference 140, col. 3 lines 31-37) to which other end users are subscribed in a presence database (figure 1, references 168 and 170, col. 6 lines 14-31)(col. 3 line 64 to col. 4 line 12); and

(b) a presence server message generator (figure 1, reference 130) for, if the communication module determines that presence registration processing is required (figure 5, reference step 230, col. 7 lines 1-3), for receiving a copy of the SS7 message

and for automatically generating a presence registration message including presence information usable by a presence server for automatically indicating to the end users subscribed to the target end user a presence status for the target end user, wherein the presence server message generator is adapted to forward the presence registration message to the presence database (figure 1, references 168 and 170, col. 6 lines 14-31) (figure 5, reference steps 234, 236, and 238, col. 7 lines 5-20).

However, Aravamudan et al. do not expressly disclose determining whether presence registration processing is required for the SS7 message. In an analogous art, Krihnamurthy et al. disclose determining whether presence registration processing is required for the SS7 message (col. 10 lines 11-13).

Krihnamurthy et al. disclose wherein the communication module includes SS7 signal transfer functionality for transferring SS7 signaling messages between SS7 signaling links (figure 2, references 212-218, col. 5 lines 40-43 as set forth in claim 69), wherein steps (a)-(d) are performed at an SS7 signal transfer point capable of transferring SS7 signaling messages between SS7 signaling links (figure 2, references 212-218, col. 5 lines 40-43 as set forth in claims 71 and 75).

One skilled in the art would have recognized the determining whether presence registration processing is required for the SS7 message, and would have applied Krihnamurthy et al.'s gateway in Aravamudan et al.'s user's initial network use to the Communication Services Platform (CSP). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Krihnamurthy et al.'s method and apparatus for providing a virtual SS7 link in a communication system in

Aravamudan et al.'s assignable associate priorities for user-definable instant messaging buddy groups with the motivation being required for all TCP connections as well as clients or SS7 nodes registered to the gateway (col. 10 lines 11-13).

For claim 24, Aravamudan et al. disclose wherein the presence registration message is a session initiation protocol (SIP) message (col. 4 lines 6-14).

For claim 25, Aravamudan et al. disclose wherein the presence registration message is a presence protocol message (figure 5, reference steps 234, col. 7 lines 5-9).

For claim 30, Aravamudan et al. disclose a presence server database operatively associated with the presence server message generator for receiving the presence-server-compatible message and for updating the presence information in response to the presence-server-compatible message (figure 5, reference steps 234, 236, and 238, col. 7 lines 5-20).

For claim 31, Aravamudan et al. disclose wherein the presence server database is located internal to the presence registration and routing node (figure 1, references 168 and 170, col. 6 lines 14-31).

For claim 32, Aravamudan et al. disclose wherein the presence server database is located external to the presence registration and routing node (figure 1, references 168 and 170, col. 6 lines 14-31).

For claim 33, Aravamudan et al. disclose wherein the presence server message generator is adapted to receive presence queries, forward the presence queries to a

presence server database, and receive responses from the presence server database (figure 5, reference steps 234, 236, and 238, col. 7 lines 5-20).

For claim 61, Aravamudan et al. disclose routing the SS7 message to its intended destination (col. 4 lines 6-25).

For claim 62, Aravamudan et al. disclose wherein the communication module is adapted to route the SS7 message to its intended destination (col. 4 lines 6-25).

For claim 63, Aravamudan et al. disclose wherein the telephony related action comprises activation of the end user's mobile telephone and wherein the presence information indicates that the target end user is currently reachable to receive messaging protocol communications via the target end user's mobile telephone (col. 7 lines 5-20).

For claim 64, Aravamudan et al. disclose wherein the telephony related action comprises entering a predetermined code via the target end user's wireline telephone and wherein the presence information indicates that the target end user is currently reachable via the end user's wireline telephone (col. 7 lines 5-20).

For claim 66, Aravamudan et al. disclose wherein the presence information includes information usable by the users subscribed to the target end user for contacting the target end user via an instant messaging protocol (col. 7 lines 5-20).

For claim 70, Aravamudan et al. disclose wherein the messaging protocol comprises an instant message protocol (col. 7 lines 5-20).

For claim 72, Aravamudan et al. disclose wherein the presence information includes information usable by the users subscribed to the target end user for contacting the target end user via an instant message protocol (col. 7 lines 5-20).

9. Claims 2-4, 9-10, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al. (US 6,301,609) in view of Krihnamurthy et al. (US 6,760,343) further in view of Bartholomew et al. (US 5,812,639).

For claims 2-4, 9-10, and 28, Aravamudan et al. in view of Krihnamurthy et al. do not expressly disclose a PSTN telephone to initiate a call from the target end user to the called party telephone number and the signaling system seven message is an IAM message. In an analogous art, Bartholomew et al. disclose a PSTN telephone to initiate a call from the target end user to the called party telephone number and the signaling system seven message is an IAM message (col. 15 lines 54-57).

Bartholomew et al. disclose wherein the telephony-related action includes entering DTMF digits using a PSTN telephone handset after a call has been established, the DTMF digits forming a code for instructing an end office to formulate the SS7 message (col. 29 line 61 as set forth in claim 3), wherein the SS7 message is a transaction capabilities application part (TCAP) message containing presence information for the target end user (col. 10 lines 17-19 as set forth in claim 4), in response to receiving the SS7 message, sending a second message to an accounting and billing system (col. 11 lines 51-60 as set forth in claims 9 and 10), wherein the SS7 message is an ISDN user pad (ISUP) message (col. 10 lines 20-21 as set forth in claim

27), wherein the SS7 message is a transaction capabilities application part (TCAP) message (col. 10 lines 17-19 as set forth in claim 28).

One skilled in the art would have recognized the PSTN telephone to initiate a call from the target end user to the called party telephone number and the signaling system seven message is an IAM message, and would have applied Bartholomew et al.'s SS7 network 12 in Aravamudan et al.'s user's initial network use to the Communication Services Platform (CSP). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Bartholomew et al.'s message communication via common signaling channel in Aravamudan et al.'s assignable associate priorities for user-definable instant messaging buddy groups with the motivation being to provide the SP generates an Initial Address Message (IAM) (col. 15 lines 56-57).

10. Claims 5, 35-40, 46, 73, and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al. (US 6,301,609) in view of Yu et al. (US 7,058,036).

For claims 5 and 46, Aravamudan et al. disclose assignable associate priorities for user-definable instant messaging buddy groups, comprising:

(a) receiving a signaling system seven 7 (SS7) message (figure 3, reference 180) in response to a telephony related action performed by a target end user, wherein the telephony-related action is the activation or change in location of a mobile telephone handset (figure 1, reference 140, col. 3 lines 31-37) and the SS7 message is a message

for updating the status of the target end user (figure 1, reference 140, col. 3 lines 31-37)(col. 3 line 64 to col. 4 line 12);

(b) intercepting the SS7 message, extracting information from the SS7 message (col. 3 line 64 to col. 4 line 12), and using the information extracted from the SS7 message to update presence protocol information for the target end user in a presence database, the presence information including information usable by a presence server (figure 1, reference 130) for automatically indicating to end users who are subscribed to the target end user (figure 1, reference 140) a presence status for the target end user (figure 5, reference steps 234, 236, and 238, col. 7 lines 5-20).

However, Aravamudan et al. do not expressly disclose the status of the target end user in at least one of a home location register (HLR) and a visitor location register (VLR). In an analogous art, Yu et al. disclose the status of the target end user in at least one of a home location register (HLR) and a visitor location register (VLR) (col. 4 lines 60-67).

Yu et al. disclose wherein the telephony-related action is the activation of a mobile telephone handset and the SS7 message is a message for updating the status of the target end user in at least one of a home location register (HLR) and a visitor location register (VLR) (col. 4 lines 60-67 as set forth in claim 46).

One skilled in the art would have recognized the status of the target end user in at least one of a home location register (HLR) and a visitor location register (VLR), and would have applied Yu et al.'s home system in Aravamudan et al.'s user's initial network use to the Communication Services Platform (CSP). Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention, to use Yu et al.'s method and system for wireless instant messaging in Aravamudan et al.'s assignable associate priorities for user-definable instant messaging buddy groups with the motivation being to notify the HLR where the MS is located and to obtain the MS's current profile. The serving system then stores the profile in a local register (visitor location register ("VLR") for reference) (col. 4 lines 64-67).

For claims 35 and 73, Aravamudan et al. disclose assignable associate priorities for user-definable instant messaging buddy groups, comprising:

(a) an advanced database communications module (figure 1, references 168 and 170, col. 6 lines 14-31) for receiving a presence-server-compatible message for determining presence information for a first end user (figure 1, reference 140, col. 3 lines 31-37), the presence information indicating a communications medium for contacting the first end user (figure 1, reference 140) using a text messaging protocol (col. 2 lines 8-10, and col. 7 lines 5-20) and the fact that the first end user is currently available to receive text messaging protocol messages via the communications medium (figure 8, reference steps 308 and 310, col. 9 lines 18-24); and

(b) a presence server message processor (figure 1, references 164 and 166, col. 6 lines 11-12) operably associated with the advanced database communications module (figure 1, references 168 and 170) for forwarding the presence-server-compatible message to a presence server (figure 1, reference 130) for determining the presence information, wherein the presence server stores the presence information for the first end user, and subscription information indicating a second end

user subscribed to automatically receive presence information regarding the first end user and sends a response to the presence-server-compatible message to the second end user (col. 7 lines 5-20), thereby informing the second end user of the appropriate communications medium for contacting the first end user using text messaging protocol communications (figure 9, reference steps 336 and 340, col. 10 lines 8-12) and whether the first end user is currently available to receive text messaging protocol message via the communication medium (figure 8, reference steps 308 and 310, col. 9 lines 18-24).

However, Aravamudan et al. do not expressly disclose an IP-encapsulated message. In an analogous art, Yu et al. disclose an IP-encapsulated message (col. 6 lines 66-67).

Yu et al. disclose wherein the advanced database communications module is adapted to transfer IP-encapsulated SS7 signaling messages between IP signaling links (col. 6 lines 66-67 as set forth in claim 73).

One skilled in the art would have recognized the IP-encapsulated message, and would have applied Yu et al.'s home system in Aravamudan et al.'s user's initial network use to the Communication Services Platform (CSP). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Yu et al.'s method and system for wireless instant messaging in Aravamudan et al.'s assignable associate priorities for user-definable instant messaging buddy groups with the motivation being encapsulates an SS7 form into a form appropriate for IP-transport (col. 6 lines 66-67).

For claim 36, Aravamudan et al. disclose wherein the presence server message processor is adapted to receive the presence information from the presence server and forward the presence information to the advanced database communications module (col. 7 lines 5-20).

For claim 37, Aravamudan et al. disclose wherein the advanced database communications module is adapted to forward the presence information to an endpoint over an IP network (col. 7 lines 5-20).

For claim 38, Aravamudan et al. disclose presence server operatively associated with the presence server message processor for providing the presence information to the presence server message processor (col. 6 lines 11-31).

For claim 39, Aravamudan et al. disclose wherein the presence server database is located internal to the presence registration and routing node (figure 1, references 168 and 170, col. 6 lines 14-31).

For claim 40, Aravamudan et al. disclose wherein the presence server database is located external to the presence registration and routing node (figure 1, references 168 and 170, col. 6 lines 14-31).

For claim 74, Aravamudan et al. disclose wherein the presence information includes information usable by the users subscribed to the target end user for contacting the target end user via an instant message protocol (col. 7 lines 5-20).

11. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al. (US 6,301,609) in view of Krihnamurthy et al. (US 6,760,343) further in view of Yu et al. (US 7,058,036).

For claim 23, Aravamudan et al. disclose an advanced database communication module (figure 1, references 168 and 170, col. 6 lines 14-31). However, Aravamudan et al. in view of Krihnamurthy et al. do not expressly disclose encapsulating the presence registration message in an IP packet and transmitting the IP packet to a presence server over an IP network. In an analogous art, Yu et al. disclose encapsulating the presence registration message in an IP packet and transmitting the IP packet to a presence server over an IP network (col. 6 lines 66-67).

One skilled in the art would have recognized the IP-encapsulated message, and would have applied Yu et al.'s home system in Aravamudan et al.'s user's initial network use to the Communication Services Platform (CSP). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Yu et al.'s method and system for wireless instant messaging in Aravamudan et al.'s assignable associate priorities for user-definable instant messaging buddy groups with the motivation being encapsulates an SS7 form into a form appropriate for IP-transport (col. 6 lines 66-67).

12. Claims 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al. (US 6,301,609) in view of Bartholomew et al. (US 5,812,639).

For claims 43-45, Aravamudan et al. do not expressly disclose a PSTN telephone to initiate a call from the target end user to the called party telephone number and the signaling system seven message is an IAM message. In an analogous art, Bartholomew et al. disclose a PSTN telephone to initiate a call from the target end user

to the called party telephone number and the signaling system seven message is an IAM message (col. 15 lines 54-57).

Bartholomew et al. disclose wherein the telephony-related action includes entering DTMF digits using a PSTN telephone handset after a call has been established, the DTMF digits forming a code for instructing an end office to formulate the SS7 message (col. 29 line 61 as set forth in claim 44), wherein the SS7 message is a transaction capabilities application part (TCAP) message containing presence information for the target end user (col. 10 lines 17-19 as set forth in claim 45).

One skilled in the art would have recognized the PSTN telephone to initiate a call from the target end user to the called party telephone number and the signaling system seven message is an IAM message, and would have applied Bartholomew et al.'s SS7 network 12 in Aravamudan et al.'s user's initial network use to the Communication Services Platform (CSP). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Bartholomew et al.'s message communication via common signaling channel in Aravamudan et al.'s assignable associate priorities for user-definable instant messaging buddy groups with the motivation being to provide the SP generates an Initial Address Message (IAM) (col. 15 lines 56-57).

***Allowable Subject Matter***

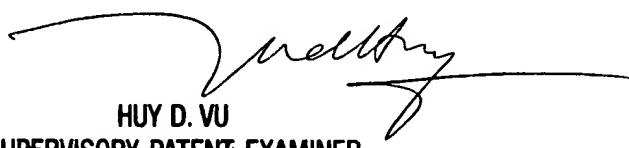
13. Claims 8, 26, 34, 41, 49, and 50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D. Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
TN

  
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